

REMARKS/ARGUMENTS

Claim Amendments

Applicant has amended claim 11 to correct a grammatical error.

Claim Rejections under 35 USC § 103

1.) Claims 2-7, 11, 16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Whitaker 3,463,145 in view of Hoshino 2002/1063231. (Office Action, page 2). Applicant respectfully traverses the rejection

In response to a previous rejection based on Whitaker and Hoshino, Applicant amended Claim 11 to include the limitations of former Claim 15 to recite that the saddle was oscillated between a position where the saddle is in the upright posture perpendicular to the base and a position where the saddle is inclined or angled relative to the base in a forward left or forward right direction in front of the user.

The Office Action asserts that Whitaker teaches a saddle being oscillated between a position where the saddle is in the upright posture perpendicular to the base (Whitaker: when the chair is parallel to the ground as shown in figure 3) and a position where the saddle is inclined or angled in a forward left (Whitaker: figure 1) or forward right (Whitaker: figure 2) as seen in front of the user (Whitaker: from the perspective of a person who is looking at the chair from a side view; similar to that of the perspective view shown in figures 1 or 2) (Office Action, page 4).

However, it should be appreciated that in the Final Office Action mailed September 14, 2010, it was previously asserted by the Office that:

Whitaker in view of Hoshino teaches the inventions as substantially claimed, see above. However, they fail to disclose: the saddle is oscillated between a position where the saddle is in the upright posture against the base and a position where the saddle is inclined in a forward left or forward right direction. (emphasis added)

Hence, Applicant is perplexed by the apparent inconsistencies found in the Office Action of September 14, 2011 and the Office Action of January 3, 2011. Clarification is, thus, requested.

Additionally, Applicant respectfully submits that, as previously noted by the Office, Whitaker and Hoshino "fail to disclose: the saddle is oscillated between a position where the saddle is in the upright posture against the base and a position where the saddle is inclined in a forward left or forward right direction." Applicant's claimed inclination is best described by reference to FIG. 10 B and paragraph [0041], which states:

In the present embodiment, since the exercise equipment has the pair of footplates 3 for receiving both legs, the oscillating direction of the seat member 2 can be limited with respect to each of the legs such that the direction of the relative positional displacement between the foot position and the position of center of gravity is in agreement with the direction of flexion and extension of knee joint. That is, the user places the feet on the footplates 3 under the condition that the user's legs are opened at the above-described angle. Then, the seat member 2 is oscillated between a position where the seat member 2 is in the upright posture against the base 1 and a position where the seat member 2 is inclined in a forward left or forward right direction. Therefore, it is different from the case of oscillating the seat member 2 simply in the forward and backward direction. Consequently, this motion of the seat member 2 enables alternately applying the load to the user's legs in such a manner that when one of the legs receives the exercise, the other leg is in rest position. (emphasis added).

Also, as shown in FIG. 10B direction arrow 45 illustrates the direction, by which the saddle moves with respect to the ground when oscillating in the forward and left direction. None of Whitaker or Hoshino describe or suggest a similar oscillation/inclination. In this regard, Whitaker merely discloses frontward and rearward movement and, contrary to the assertions contained in the Office Action, does not describe or suggest that the saddle is inclined or angled relative to the base in a forward and leftward or forward and rightward direction in front of the user. Hoshino also fails to describe or suggest such types of movement.

Finally, the instant claims recite that a support portion is configured to support a part of a user's body such that at least a part of the user's own weight acts on a leg including a femoral region. That is, a user is supported, at a part of the user's body, by the support portion. The Office Action asserts that the chair 23 of Whitaker corresponds to the support portion of the

instant claims, such that when a user, supported by the chair 23, is moved to the position of Fig. 1 as described by Whitaker, the user recognizes that the chair by which the user is supported is inclined or angled, in a forward direction. However, none of Whitaker or Hoshino describe or suggest that the chair is inclined or angled in forward left or forward right directions.

Hence, in view of the above, Applicant respectfully submits that the combination of Whitaker and Hoshino fails to describe each and every feature of claim 11, as arranged, as required to support a rejection under 35 USC § 103.

The rejection should be withdrawn.

2.) Claims 8, 10, 13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Whitaker in view of Hoshino and further in view of Bavaresco 6,357,825. (Office Action, page 6).

Bavaresco has been cited by the Office as allegedly disclosing features related to the ability to change the length or surface profile of a saddle. However, Bavaresco fails to compensate for the deficiencies of Whitaker and Hoshino as noted above with respect to Claim 11. Bavaresco, like Whitaker and Hoshino fails to disclose a saddle that is oscillated between a position where the saddle is in the upright posture perpendicular to the base and a position where the saddle is inclined or angled relative to the base in a forward left or forward right direction in front of the user.

Hence, the combination of Whitaker, Hoshino and Bavaresco fail to describe each and every feature of claim 11, as arranged, as required to support a rejection under 35 USC § 103.

The rejection should be withdrawn.

3. Claims 8-9, 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitaker in view of Hoshino and further in view of Jamieson 608,682. (Office Action, page 7).

Jamieson has been cited by the Office for disclosing features related to the ability to change the width of a saddle. Jamieson, however fails to further describe or suggest the deficiencies of Whitaker and Hoshino noted above with respect to Claim 11. Jamieson, like Whitaker and Hoshino discussed above, fails to disclose a saddle that is oscillated between a position where the saddle is in the upright posture perpendicular to the base and a position where

the saddle is inclined or angled relative to the base in a forward left or forward right direction in front of the user.

Hence, the combination of Whitaker, Hoshino and Jamieson fail to describe each and every feature of claim 11, as arranged, as required to support a rejection under 35 USC § 103.

The rejection should be withdrawn.

CONCLUSION

In view of the above, Applicant respectfully submits that the pending application is in condition for allowance, which action is courteously requested. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to Deposit Account No. 04-1105.

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Respectfully submitted,



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